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*Mr. Thomas Wagner  
Precedent II*

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

FILE: B-187812

DATE: November 26, 1976

MATTER OF: Transcontinental, Inc.

**DIGEST:**

Protest alleging solicitation defect which is filed after bid opening date is untimely and not for consideration on merits since alleged defect was apparent on face of solicitation.

By wire dated November 12, 1976, filed in our Office on November 15, 1976, Transcontinental, Inc. protested the award of a contract under invitation for bids (IFB) F09650-76-09656, issued by the United States Air Force for custodial services at Warner Robins Air Force Base, Georgia. Transcontinental contends that the solicitation contained an improper Service Contract Act wage determination.

Our Bid Protest Procedures provide in pertinent part:

"Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals." 4 C.F.R. § 20.2 (b)(1) (1976).

We are advised that bid opening occurred on October 14, 1976. As Transcontinental's protest concerns a solicitation defect apparent prior to that date, the protest is untimely and will not be considered on its merits.

*for Milton Fowler*  
Paul G. Dembling  
General Counsel